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Notice of Allowability

Application No.

08/935,629

Applicant(s)

BATES ET AL.

Examiner

Lyle A Alexander

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 3/19/04 interview summary and amendments.
2. ☒ The allowed claim(s) is/are 1,37-38,45,23,41,24-26,30-31,39-40,32-36 and 42-43 renumbered as 1-20 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 3.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/19/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Lyle A Alexander
 Primary Examiner
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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sullivan on 3/19/04.

In claim 1 line 9 after sample --; the well/opening being situated on a broad, lateral face of the cartridge/cassette means; and the cap/cover means when sealing the top of the sample well/opening completely encircling the cartridge/cassette means, in order to hold the cap/cover means in a fluid tight relationship against the top of the sample well/opening—has been added.

In claim 8 line 9 after sample after sample --; the well/opening being situated on a broad, lateral face of the cartridge/cassette means; and the cap/cover means when sealing the top of the sample well/opening completely encircling the cartridge/cassette means, in order to hold the cap/cover means in a fluid tight relationship against the top of the sample well/opening—has been added.

Claims 27-29 have been canceled.

In claim 30 line 1 "claim 27" has been changed to --claim 1--.

In claim 35 line 1 "as in claim 1" has been replaced by -- for depositing and analyzing a sample, comprising:

a cartridge/cassette means which contains a first test strip,
a first window for viewing test results and a well/opening separate from

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the window, having a top and serving for deposit of the sample;

and

✿ a cap/cover means for sealing the top the sample

well/opening in a fluid tight relationship following deposit of

the sample – has been added.

In claim 42 line 10 after “sample” -- the cap/cover means when sealing the top of the sample well/opening completely encircling the cartridge/cassette means, in order to hold the cap/cover means in a fluid tight relationship against the well—has been added.

In claim 43 line 14 after “sample” -- the cap/cover means when sealing the top of the sample well/opening completely encircling the cartridge/cassette means, in order to hold the cap/cover means in a fluid tight relationship against the well—has been added.

In claim 45 lines 1-2 “the well/opening ... means” has been deleted.

The following is an examiner’s statement of reasons for allowance: In addition to the remarks of record, the cited prior art fails to teach or anticipate the claimed the cap/cover means sealing the top of the sample well/opening by completely encircling the cartridge/cassette means, in order to hold the cap/cover means in a fluid tight relationship against the top of the sample well/opening. Additionally, with respect to claim 35 the cited prior art fails to teach or anticipate the claimed two well/openings each for a different test strip that are each covered and sealed by a cap/cover.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lyle A Alexander whose telephone number is 571-272-1254. The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lyle A Alexander
Primary Examiner
Art Unit 1743
